

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 6, 11, and 16 have been amended. No claims have been added or canceled. Therefore, claims 1-20 are presented for examination. Amendments to the claims are fully supported by the originally filed specification, and do not add any new matter.

Objections to the Specification

The Examiner has made various informalities objections. First, the Examiner objected to the Specification at paragraph 27, lines 4-6. The Examiner has required that the following correction be made:

"For example, device adapter 144 may notify circuitry 126 (20, FIG. 1) upon completion of at least one write transaction by sending a reply block to circuitry 126, where the reply block may comprise a transaction I.D. Transaction I.D. circuitry [Circuitry] 126 may comprise..."

Applicants respectfully traverse the objection since the Examiner's requirement changes the intended meaning. Applicants respectfully request that such objection be withdrawn.

Secondly, the Examiner has objected to the Specification as not including a "Summary of the Invention" section and has required Applicants to amend the patent application to include such a section. Applicants hereby respectfully

traverse the objection and kindly point out to the Examiner that a "Summary of the Invention" section is optional since neither the rules nor the patent statute requires a patent applicant to provide such summary. As discussed in 37 CFR 1.73:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, ***should*** precede the detailed description. Such summary ***should, when set forth***, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed [emphasis added]. 37 CFR 1.73.

Thus, Applicant respectfully points out that the use of the word "should" and the phrase "when set forth" indicates that inclusion of a "Summary of the Invention" section is optional rather than mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide a "Summary of the Invention" section in a patent application or to require an applicant to amend the patent application to include such a summary. Therefore, the objection and any requirement related thereto should be withdrawn.

Claim Rejections – 35 U.S.C. §101

The Examiner has rejected claims 16-20 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 16 has been amended, and it is believed that such amendment overcomes the Examiner's rejection of claims 16-20. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §102

The Examiner has rejected claims 1, 6, 11, and 16 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0188180 (hereinafter "Overney"), and claims 1-4, 6-9, and 16-19 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,867,501 (hereinafter "Horst").

Applicants respectfully disagree. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

At the least, neither Overney nor Horst discloses:

"writing a seed value to one or more of the at least one memory chunk";

"in response to completion of at least one write transaction to the at least one memory chunk, the write transaction corresponding to the data read request, for each of the one or more memory chunks having a seed value, validating the integrity of each of the at least one write transaction based, at least in part, on the seed value"

as required by, for example, amended claim 1. Each of the other pending independent claims recites limitations that are similar to these limitations of claim 1, although some differences may exist among the limitations of the other

pending independent claims. These similar limitations nevertheless patentably distinguish the claims over Overney and over Horst. Furthermore, since the claims which depend from these independent claims inherits the limitations of these independent claims, these limitations also patentably distinguish the dependent claims over Overney and Horst.

Overney discloses, for example, a secure file verification station that receives and stores a data file that is received from a trusted source. The verification station applies a hashing function to the data file, and then encrypts the hash using a unique symmetric encryption key derived from a seed value that is maintained securely within the verification station. (Overney, see Abstract.) Horst discloses, for example, a method for encoding data and commands (Horst, see Abstract).

In contrast, embodiments of the present invention as embodied in the claims disclose, for example, a seed value that is written to an allocated area of memory. Once data is written to the memory (i.e., "completion of at least one write transaction to the at least one memory chunk"), the seed value may be used to validate the integrity of the write transaction. See Specification, for example, paragraphs 30-32 and FIG. 3.

Although Overney discloses the use of a "seed value", Overney does not disclose a "seed value" in the used sense of the term in embodiments of the present invention. In Overney, a "seed value" is "maintained within the verification station", and used to derive an encryption key. In Overney, the "seed

value" is not written to one or more memory chunks of a memory allocated to requested data as required by, for example, claim 1.

Portions of Horst describe a method for error-checking "by adding a cyclic-redundancy-check (CRC) to the message packets that are sent between the elements of the system." Contrary to the Examiner's assertion, a CRC is not a "seed value" in the used sense of the term in embodiments of the invention. In the subject application, a "seed value" may be written to a memory, not to a packet. Secondly, even if a CRC could be construed as a "seed value", in Horst, the CRC is added to packets, and not to "at least one memory chunk of a memory", where the memory is allocated to requested data, as required by, for example, claim 1.

Since neither Overney nor Horst discloses each and every element as set forth in claims 1, 6, 11, and 16, claims 1, 6, 11, and 16 in the subject application are not anticipated by the cited references. Consequently, Applicants respectfully request that the Examiner withdraw his rejection of claims 1, 6, 11, and 16 based on 35 U.S.C. §102.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claims 5, 10, 11-14, 15, and 20 based on various combinations of Horst, United States Publication No. 2003/0191888 (hereinafter "Klein"), and United States Publication No. 2005/0138171 (hereinafter "Slaight").

In order to establish a *prima facie* case of obviousness:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (Emphasis added). *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8th Edition, August 21, §2143.

As discussed above, Horst does not teach, at the least, "writing a seed value to one or more of the at least one memory chunk", and "in response to completion of at least one write transaction to the at least one memory chunk, the write transaction corresponding to the data read request, for each of the one or more memory chunks having a seed value, validating the integrity of each of the at least one write transaction based, at least in part, on the seed value". Furthermore, since neither Klein nor Slaight teaches or suggests these elements, no combination of Horst, Klein and Slaight teaches or suggests all the claim limitations. Therefore, a *prima facie* case of obviousness has not been established. Consequently, Applicants respectfully request that the Examiner withdraw his rejection of claims 1-20 based on 35 U.S.C. §103(a).

Conclusion

Applicants respectfully submit that the claims as amended overcome the cited objections and rejections. The Examiner is invited to initiate an interview with the undersigned by calling 949-498-0601 if the Examiner believes that such an interview will advance prosecution of this application.

Request for an Extension of Time

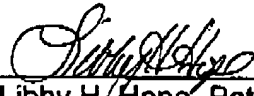
Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 50-0221 to cover any necessary fee under 37 C.F.R. § 1.17(a) for this extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 50-0221.

Respectfully submitted,

Date: June 26, 2006



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Utility Patent Application